

1648

PATENT
Docket No. 226272003310

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 10, 2004

Martina Placid

Martina Placid

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Edward M. ATKINSON et al.

Serial No.: 10/016,767

Filing Date: October 30, 2001

For: METHODS FOR GENERATING HIGH
TITER HELPER-FREE
PREPARATIONS OF RELEASED
RECOMBINANT AAV VECTORS

Examiner: M. Hill

Group Art Unit: 1648

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 AND § 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. This protocol conforms with 37 C.F.R. § 1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

Applicants bring to the attention of the Examiner documents numbered 1 through 8 on the attached PTO Form-1449 which copies are not being submitted herewith. These documents are co-pending related applications and read as follows:

- Application Serial No. 09/561,190 filed April 27, 2000 by D. H. Lockert et al.
- Application Serial No. 09/578,561 filed May 25, 2000 by S. Rasty et al.
- Application Serial No. 09/684,554 filed October 6, 2000 by J. F. Engelhardt et al.
- Application Serial No. 09/689,136 filed October 12, 2000 J. F. Engelhardt
- Application Serial No. 09/807,802 filed November 29, 2001 by J. M. Wilson et al.
- Application Serial No. 10/089,394 filed March 29, 2002 by H. Chen et al.
- Application Serial No. 10/169,544 filed May 30, 2002 by G. Guangping
- Application Serial No. 10/615,119 filed July 7, 2003 by C.M. Carmel et al.

This Supplemental Information Disclosure Statement is submitted:

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the

cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 226272003310. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: June 10, 2004

Respectfully submitted,

By: 

Jie Zhou

Registration No. 52,395

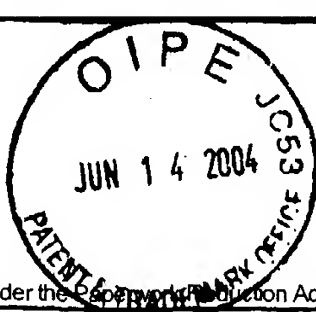
Morrison & Foerster LLP

755 Page Mill Road

Palo Alto, California 94304-1018

Telephone: (650) 813-5922

Facsimile: (650) 494-0792



PTO/SB/17 (10-03)

Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 180.00**Complete if Known**

Application Number	10/016,767
Filing Date	October 30, 2001
First Named Inventor	Edward M. ATKINSON
Examiner Name	M. Hill
Art Unit	1648
Attorney Docket No.	226272003310

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

03-1952

Deposit
Account
Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims	92	-92** = 0	x 18.00 =	0.00
Independent Claims	8	-8** = 0	x 86.00 =	0.00
Multiple Dependent			290.00 =	0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

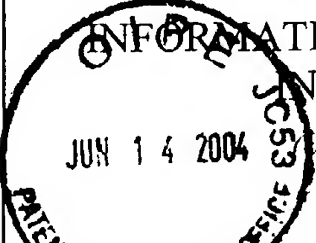
Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 180.00**SUBMITTED BY**

(Complete if applicable)

Name (Print/Type)	Jie Zhou	Registration No. (Attorney/Agent)	52,395	Telephone	(650) 813-5922
Signature				Date	June 10, 2004

Form PTO-1449  INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)	Docket Number 226272003310	Application Number 10/016,767
	Applicant Edward M. ATKINSON et al.	
	Filing Date October 30, 2001	Group Art Unit 1648
	Mailing Date June 10, 2004	

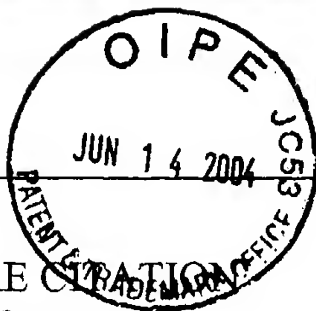
U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	04/27/2000	09/561,190	Lockert et al.			
	2.	05/25/2000	09/578,561	Rasty et al.			
	3.	10/06/2000	09/684,554	Engelhardt et al.			
	4.	10/12/2000	09/689,136	Engelhardt			
	5.	11/29/2001	09/807,802	Wilson et al.			
	6.	03/29/2002	10/089,394	Chen et al.			
	7.	05/30/2002	10/169,544	Guangping			
	8.	07/07/2003	10/615,119	Carmel et al.			
	9.	01/03/2002	2002/0001581	Lynch et al.			
	10.	07/11/2002	2002/0090717	Gao et al.			
	11.	09/19/2002	2002/0131956	Walsh et al.			
	12.	11/07/2002	2002/0164783	Feldhaus			
	13.	06/26/2003	2003/0119191	Gao et al.			
	14.	05/01/2003	2003/0082145	Johnson			
	15.	09/18/2003	2003/0175974	Allen			
	16.	08/18/1992	5,139,941	Muzyczka et al.			
	17.	12/24/1996	5,587,308	Carter et al.			
	18.	07/29/1997	5,652,224	Wilson et al.			
	19.	05/26/1998	5,756,283	Wilson et al.			
	20.	01/05/1999	5,856,152	Wilson et al.			
	21.	02/16/1999	5,871,982	Wilson et al.			
	22.	02/16/1999	5,872,154	Wilson et al.			
	23.	12/14/1999	6,001,557	Wilson et al.			
	24.	11/07/2000	6,143,548	O'Riordan et al.			
	25.	01/16/2001	6,174,527	Wilson et al.			
	26.	02/06/2001	6,183,993	Boyce et al.			

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.



Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 226272003310

Application Number 10/016,767

Applicant

Edward M. ATKINSON et al.

Filing Date October 30, 2001

Group Art Unit 1648

Mailing Date June 10, 2004

	27.	02/27/2001	6,194,191	Zhang et al.			
	28.	03/20/2001	6,203,975	Wilson et al.			
	29.	04/03/2001	6,211,160	Wilson et al.			
	30.	06/26/2001	6,251,957	Wilson et al.			
	31.	07/10/2001	6,258,595	Gao et al.			
	32.	07/17/2001	6,261,551	Wilson et al.			
	33.	08/07/2001	6,270,996	Wilson et al.			
	34.	08/14/2001	6,274,354	Wilson et al.			
	35.	08/28/2001	6,281,009	Boyce			
	36.	08/28/2001	6,281,010	Gao et al.			
	37.	01/15/2002	6,338,953	Boyce et al.			
	38.	02/12/2002	6,346,415	Feldaus			
	39.	04/02/2002	6,365,394	Gao et al.			
	40.	08/20/2002	6,436,392	Engelhardt et al.			
	41.	11/05/2002	6,475,769	Wilson et al.			
	42.	11/12/2002	6,479,273	Bogedain et al.			
	43.	11/19/2002	6,482,634	Wilson et al.			
	44.	03/25/2003	6,537,540	Burstein et al.			
	45.	04/01/2003	6,541,258	Allen et al.			
	46.	04/15/2003	6,548,286	Samuski et al.			
	47.	05/20/2003	6,566,118	Atkinson et al.			
	48.	07/22/2003	6,596,535	Carter			
	49.	08/26/2003	6,610,290	Podsakoff et al.			
	50.	08/26/2003	6,610,321	Huang et al.			
	51.	10/14/2003	6,632,670	Wadsworth et al.			
	52.	11/04/2003	6,642,051	Lynch et al.			
	53.	12/09/2003	6,660,514	Zolotukhin et al.			

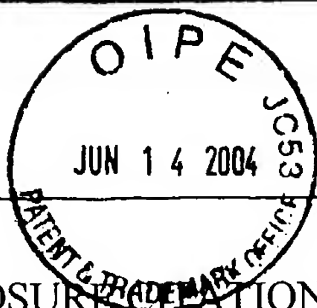
FOREIGN PATENT DOCUMENTS

Examiner	Ref.	Date	Document No.	Country	Class	Subclass	Translation
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Docket Number 226272003310

Application Number 10/016,767

Applicant

Edward M. ATKINSON et al.

Filing Date October 30, 2001

Group Art Unit 1648

Mailing Date June 10, 2004

Initials	No.						YES	NO
	54.	12/09/1993	WO 93/24641	WIPO				
	55.	12/21/1995	WO 95/34670	WIPO				
	56.	05/09/1996	WO 96/13597	WIPO				
	57.	05/19/1996	WO 96/13598	WIPO				
	58.	08/29/1996	WO 96/26285	WIPO				
	59.	08/29/1996	WO 96/26286	WIPO				
	60.	12/12/1996	WO 96/39530	WIPO				
	61.	03/12/1998	WO 98/09656	WIPO				
	62.	03/12/1998	WO 98/10086	WIPO				
	63.	03/12/1998	WO 98/10088	WIPO				
	64.	03/19/1998	WO 98/11243	WIPO				
	65.	03/25/1999	WO 99/14351	WIPO				
	66.	04/01/1999	WO 99/15677	WIPO				
	67.	04/01/1999	WO 99/15685	WIPO				
	68.	04/29/1999	WO 99/20773	WIPO				
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	70.	09/23/1999	WO 99/47691	WIPO				
	71.	11/25/1999	WO 99/60146	WIPO				
	72.	05/18/2000	WO 00/28061	WIPO				
	73.	09/21/2000	WO 00/55342	WIPO				
	74.	12/07/2000	WO 00/73480	WIPO				
	75.	12/14/2000	WO 00/75353	WIPO				
	76.	12/14/2000	WO 00/75365	WIPO				
	77.	12/21/2000	WO 00/77233	WIPO				
	78.	04/05/2001	WO 01/23597	WIPO				
	79.	04/05/2001	WO 01/23001	WIPO				
	80.	04/12/2001	WO 01/25462	WIPO				
	81.	04/12/2001	WO 01/25465	WIPO				
	82.	06/07/2001	WO 01/40455	WIPO				
	83.	06/21/2001	WO 01/44280	WIPO				

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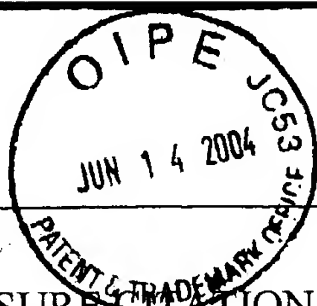
Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 226272003310	Application Number 10/016,767
	Applicant Edward M. ATKINSON et al.	
	Filing Date October 30, 2001	Group Art Unit 1648
	Mailing Date June 10, 2004	

OTHER DOCUMENTS *(including author, title, Date, Pertinent Pages, Etc.)*

Examiner Initials	Ref. No.	Title
	84.	Bantel-Schaal, U. (1991). "Infection With Adeno-Associated Parvovirus Leads To Increased Sensitivity Of Mammalian Cells To Stress," <i>Virology</i> 182(1):260-268

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Docket Number 226272003310

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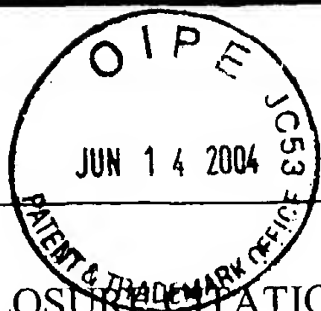
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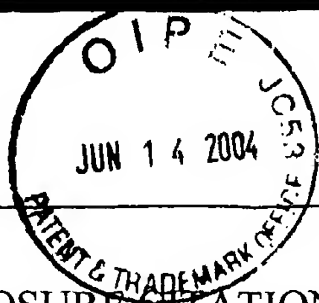
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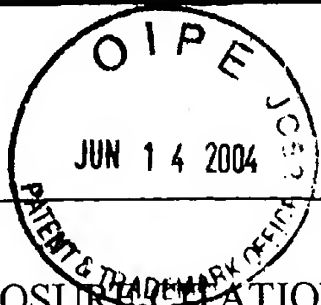
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	54.	12/09/1993	WO 93/24641	WIPO				
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	58.	08/29/1996	WO 96/26285	WIPO				
	59.	08/29/1996	WO 96/26286	WIPO				
	60.	12/12/1996	WO 96/39530	WIPO				
	61.	03/12/1998	WO 98/09656	WIPO				
	62.	03/12/1998	WO 98/10086	WIPO				
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	64.	03/19/1998	WO 98/11243	WIPO				
	65.	03/25/1999	WO 99/14351	WIPO				
	66.	04/01/1999	WO 99/15677	WIPO				
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	70.	09/23/1999	WO 99/47691	WIPO				
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	72.	05/18/2000	WO 00/28061	WIPO				
	73.	09/21/2000	WO 00/55342	WIPO				
	74.	12/07/2000	WO 00/73480	WIPO				
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	78.	04/05/2001	WO 01/23597	WIPO				
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	80.	04/12/2001	WO 01/25462	WIPO				
	81.	04/12/2001	WO 01/25465	WIPO				
	82.	06/07/2001	WO 01/40455	WIPO				
	83.	06/21/2001	WO 01/44280	WIPO				

EXAMINER:

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Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 226272003310

Application Number 10/016,767

Applicant

Edward M. ATKINSON et al.

Filing Date October 30, 2001

Group Art Unit 1648

Mailing Date June 10, 2004

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	84.	Bantel-Schaal, U. (1991). "Infection With Adeno-Associated Parvovirus Leads To Increased Sensitivity Of Mammalian Cells To Stress," <i>Virology</i> 182(1):260-268

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